AGENDA

PARK TOWNSHIP
ZONING BOARD OF APPEALS

Meeting
April 20, 2020
6:30 p.m. via “Zoom” Remote Conferencing

1. Call to Order

2. Approval of the Agenda

3. Approval of Minutes: None

4. Appeals: Note: Public notices were mailed to all property owners and occupants within 300 feet on or before Sunday, April 5, 2020 and published in the Holland Sentinel on Sunday, April 5, 2020.

   Item #1. A request by Scott and Kimberly Finses to allow an addition to a residence with a side yard of 5 inches where no less than 7 feet is required per Section 38-306(2) of the Park Township Zoning Ordinance. Said land and premises are located at 2247 First Avenue, Holland, MI 49424. (Parcel 70-15-33-281-015, Zoned R-4 Medium Density One & Two Family Residence District)

   Item #2. A request by Eric Bruins to allow construction of a 3,500 square foot accessory building with a height of 29 feet-6 inches, where a maximum size of 2,500 square feet and maximum height of 24 feet is permitted per Section 38-491(2)e of the Park Township Zoning Ordinance. Said land and premises are located at approximately 15860 Greenly Street, Holland, MI 49424. (Parcel 70-15-11-300-029, Zoned R-1 Rural Estates Residence District)

   Item #3. A request by Willis & Ella Weymon to allow an addition to a residence with a front yard of approximately 22 feet where no less than 40 feet is required per Section 38-246(1) of the Park Township Zoning Ordinance. Said land and premises are located at 2344 Sunset Bluff Drive, Holland, MI 49424. (Parcel 70-15-28-261-009, Zoned R-2 Lakeshore Residence District).

   Item #4. A request by Terry Sullivan, on behalf of Jed Rodino, to allow an addition to a residence with a rear yard of 42 feet where no less than 50 feet is permitted per Section 38-276(3) of the Park Township Zoning Ordinance. Said land and premises are located at 2980 Pine Edge Court, Holland, MI 49424. (Parcel 70-15-13-213-017, Zoned R-3 Low Density One Family Residence District)

   Item #5. A request by Randall Schipper, on behalf of Paul Elzinga and Josh and Jenine Elzinga, to allow the extension of a private access easement to permit a land division, where frontage on a public or private roadway is required per Section 38-499(a) of the Park Township Zoning Ordinance. Said land and premises are located at 340 N. 168th Avenue, Holland, MI 49424. (Parcel 70-15-21-200-003, Zoned R-3 Low Density One Family Residence District)
5. Other Business
   a. Reschedule August 3, November 2 Meetings (Due to Elections)

6. Announcements

   Next scheduled meeting date is May 4, 2020.

7. Public Comment
   This is an opportunity for the public to address the Board and to make any appropriate comments. Please limit your comments to 2-3 minutes per person.

8. Adjourn
STAFF MEMO

To: Park Township Zoning Board of Appeals
Subject: Variance Requests for the meeting of April 20, 2020
Date: 4/6/2020
From: Emma Posillico, Zoning Administrator

Five (5) applications have been received for the April 20, 2020 Zoning Board of Appeals meeting.

Item #1. A request by Scott and Kimberly Finses to allow an addition to a residence with a side yard of 5 inches where no less than 7 feet is required per Section 38-306(2) of the Park Township Zoning Ordinance. Said land and premises are located at 2247 First Avenue, Holland, MI 49424. (Parcel 70-15-33-281-015, Zoned R-4 Medium Density One & Two Family Residence District)

Applicable Ordinance Sections:
Sec. 38-306, Area regulations (in part).
(2) Side yard. There shall be total side yards of not less than 20 feet; provided, however, that no side yard shall be less than seven feet; and

Sec. 38-483(e)
(2) Any building or structure built to a legally established building setback line before July 1, 2016, shall be considered as meeting the required setback from the adjacent lot line existing at that time. Additions or enlargements along or within existing setbacks shall only be allowed if approved by the Zoning Board of Appeals as a matter for Zoning Board of Appeals decision pursuant to Section 603 of the Zoning Act (MCL § 125.3603). In granting such authorization, the following standards shall be considered by the Zoning Board of Appeals:
   a. The proportion of the main wall which has been altered by the addition;
   b. The overall effect of the proposed addition on adjoining properties and the character of the surrounding neighborhood; and
   c. The addition shall not be less than five feet from the side and rear lot lines and shall not be less than 10 feet from the front lot line.

Background:
The property is described as the east 35 feet of lot 18 and the west half of lot 19 of Bosma’s Addition to West Michigan Park, and is located in the Historic Ottawa Beach neighborhood. The property is 60 feet wide by 75 feet deep, or approximately 4,500 square feet. There is an existing residence on the property, approximately 850 square feet in size, as well as an existing shed and an existing detached garage. As the applicant notes, the existing residence was built in 1900, with a renovation completed in 2000. Said renovation did require a variance for a rear yard setback of 21 feet, to allow for the construction of an addition with a basement. The variance was approved, with a condition that the addition to the residence be limited to one story. An aerial view and street-view image (from the west) of the property are below.
ZBA Memo for 4/20/2020
April 6, 2020
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Zoning Board of Appeals Considerations:
The applicant purchased the property in the fall of 2019 as a one bedroom residence. They are currently intending to create a two bedroom residence with an enlarged kitchen. The applicant has noted that the residence was constructed 120 years ago along the eastern property line, and they are requesting to extend the eastern wall of the existing residence an additional 2 ft.-4 in. towards the rear property line, to allow for an enlarged kitchen.

As you may note in the enclosed application materials, the proposed second bedroom is located 23 ft.-8 in. from the southern property line along First Avenue. Further, the proposed kitchen addition would be located approximately 21 feet from the northern property line (flush with the existing rear building line of the sunroom, which was authorized through the 2000 variance). While these front and rear yard setbacks do not comply with the requirements of the R-4 Zoning District, they do comply with the provisions of Section 38-494 of the Zoning Ordinance regarding front and rear yard averaging. Staff’s analysis is provided below.

<table>
<thead>
<tr>
<th>Setback</th>
<th>Required Setbacks</th>
<th>Proposed Setbacks</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard (south property line)</td>
<td>40 ft.</td>
<td>23 ft.-8 in.¹</td>
<td>8.5 ft.</td>
</tr>
<tr>
<td>Rear Yard (north property line)</td>
<td>25 ft.</td>
<td>21 ft.</td>
<td>19 ft.</td>
</tr>
<tr>
<td>Side Yard (east property line)</td>
<td>7 ft.</td>
<td>5 in.</td>
<td>n/a</td>
</tr>
<tr>
<td>Side Yard (west property line)</td>
<td>13 ft.</td>
<td>31 ft.</td>
<td>n/a</td>
</tr>
</tbody>
</table>

While the proposed additions do not require variances for the front or rear yard setbacks, as you know there is not a provision for side yard averaging. However, building setback exemptions are provided under Section 38-483(e)(2) of the Zoning Ordinance, which notes that additions or enlargements along or within existing setbacks shall only be allowed if approved by the Zoning Board of Appeals. As such, your Standards of Review below reflect those listed in Section 38-483(e)(2).

Building Setback Exception Standards Review:
Pursuant to Sec. 38-483(e)(2), the Zoning Board of Appeals shall consider the following standards in granting authorization for a building setback exception:

a. *The proportion of the main wall which has been altered by the addition;*

The applicant states that proposed kitchen expansion is 13 ft.-9 in. wide by 2 ft.-4 in. deep. They explain that the 13 ft.-9 in. wall will become flush with an existing wall (noted as the sunroom), maintaining the existing 10 ft. setback from the shed. Also, the 2 ft.-4 in. wall will be flush with the existing wall, which is currently 5 inches from the eastern lot line where the residence was originally constructed in 1900.

Staff Comments: It does appear that the applicant is attempting to construct an addition that adjoins and blends architecturally to the existing residence. If the additional

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¹ Staff recognizes that the proposed addition for the second bedroom is not the front building line, which a front yard setback is measured from. Rather, the existing living room and porch are the legally established front building line, as they were constructed prior to 2016 (per Section 38-483(e)). This analysis is being provided for the proposed second bedroom to indicate that it does conform with the front yard setback requirements prescribed by the Zoning Ordinance.
intention of this standard is to ensure that the proposed addition does not overwhelm the existing structure, it appears that this intention is achieved through the applicant’s proposal.

b. *The overall effect of the proposed addition on adjoining properties and the character of the surrounding neighborhood; and*

The applicant states that the additional 2 ft.-4 in. of wall along the east side of the residence will have minimal effect on the adjoining property, as there is already an existing fence running along the same line. They state further that as the expansion is in the rear of the residence, facing an existing shed, other properties in the neighborhood will not be affected.

Staff Comments: Staff agrees that given the location of the existing fence, shed, and the existing rear building line, the proposed addition will have a minimal impact on adjoining properties. Further, as you know, many of the structures within the Historic Ottawa Beach neighborhood are non-conforming. It does not appear that the proposed addition would have any substantial negative effects on the surrounding neighborhood.

c. *The addition shall not be less than five feet from the side and rear lot lines and shall not be less than 10 feet from the front lot line.*

Staff Comments: Staff understands the intent behind this consideration, to allow for generalized movement between structures. However, the existing residence has had a 5-in. side yard for approximately 120 years, and the applicant is requesting to extend this side yard by 2 ft.-4 in., while maintaining the existing rear yard and conforming distance to the existing shed. As previously emphasized, many of the structures within the Historic Ottawa Beach neighborhood are non-conforming. It does not appear that the proposed addition would substantially increase any non-conformities or set precedent for future requests given its limited nature. Pending any comment received at the public hearing, as long as the intent behind this consideration is understood, it appears that allowing the continuation of a side yard less than 5 ft. in the manner proposed would not be detrimental.

**Recommendation:**
Staff finds that the area proposed for the kitchen addition aligns with the existing northern building line, and only extends the existing 5 in. side yard by 2 ft.-4 in. As such, the proposed addition may not have any negative impacts on neighboring properties. If the ZBA agrees, and there are not substantive public concerns, consider approving this request to construct an addition to a single-family residence with a 5-inch side yard setback.
Item #2. A request by Eric Bruins to allow construction of a 3,500 square foot accessory building with a height of 29 feet-6 inches, where a maximum size of 2,500 square feet and maximum height of 24 feet are permitted per Section 38-491(2)e of the Park Township Zoning Ordinance. Said land and premises are located at approximately 15860 Greenly Street, Holland, MI 49424. (Parcel 70-15-11-300-029, Zoned R-1 Rural Estates Residence District)

Applicable Ordinance Sections:
Sec. 38-491(b)(1)b (in part), Detached accessory buildings. Only one accessory building will be allowed on any lot, provided that the accessory building does not exceed the greater of 200 square feet or 2% of the calculated lot size, up to a maximum accessory building size of 2,500 square feet; and

Sec. 38-491(b)(2)a & e: The height of an accessory building shall not exceed that listed in the table in Subsection (b)(2)e of this section.

<table>
<thead>
<tr>
<th>Building Size (square feet)</th>
<th>Maximum Height of Building (feet)</th>
<th>Minimum Front Yard (feet)</th>
<th>Minimum Side Yard (feet)</th>
<th>Minimum Rear Yard (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 240</td>
<td>14</td>
<td>40</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>240 - 350</td>
<td>16</td>
<td>40</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>351 - 700</td>
<td>18</td>
<td>40</td>
<td>10</td>
<td>25</td>
</tr>
<tr>
<td>701 - 1,050</td>
<td>20</td>
<td>60</td>
<td>10</td>
<td>25</td>
</tr>
<tr>
<td>1,051 - 1,400</td>
<td>22</td>
<td>80</td>
<td>25</td>
<td>35</td>
</tr>
<tr>
<td>&gt; 1,400</td>
<td>24</td>
<td>100</td>
<td>25</td>
<td>50</td>
</tr>
</tbody>
</table>

Background:
The subject property is located on the south side of Greenly Street, east of 160th Street. The property is approximately 5.07 acres in overall area and is currently vacant land. The applicant is intending to construct a residence and a storage barn on the property this spring. An image of the property is below.
Zoning Board of Appeals Considerations:
Pursuant to Sec. 38-491(b) (see above), the maximum allowable size for a detached accessory building is 2% of the lot size, which would be approximately 4,417 square feet. However, as you will note, there is a maximum accessory building size of 2,500 square feet. The applicant is seeking to construct a 3,500 square foot accessory building, which is 1,000 square feet larger than allowed. Further, the proposed height of the accessory building is 29 ft.-6 in., where there is a maximum height allowed of 24 ft. Therefore, the applicant is seeking authorization to construct a larger and taller building than permitted.

Authorization for Larger Accessory Building Standards Review:
The ZBA must consider the following standards prior to approving a larger or taller accessory building.

1. The area and/or height of the accessory building in relation to the size of the lot on which it is to be placed;

The applicant states that the storage barn is proposed to be constructed on a 5 acre wooded lot, roughly 1,100 feet from Greenly Street. They state that the proposed building would be 25 ft. from the western property line, and 150 ft. from the southern property
line, surrounded by thick woods for hundreds of feet in all directions. The applicant also
notes that the proposed barn will sit lower than the proposed residence, and will appear
smaller.

Staff Comments: The subject parcel is approximately 165 ft. wide, and 1,325 feet deep.
Due to the existing parcel configuration, it is not likely for additional parcels to be
created either through Land Division or Site Condominium/Platting/Planned Unit
Development. (The Michigan Land Division Act would prohibit a Land Division that
does not meet the 4:1 depth-to-width requirement, and it would be challenging to
construct a private roadway that would allow frontage for additional lots.) Further, as
proposed the residence and storage barn are set back a significant distance from Greenly
Street. The proposed building is approximately 1.5% of the overall lot size, and is
proposed to sit lower than and behind the residence\textsuperscript{2}. Based on the applicant’s statements,
it appears that the proposed storage barn meets all of the required setbacks for an
accessory building of its size and exceeds the requirement of being located ten (10) feet
from any other building. If the ZBA agrees, it appears this standard may be met.

2. \textit{The area and/or height of the accessory building in relation to the principal building on
the lot on which the accessory building is to be placed;}

The applicant states that the residence, which will be under construction in the spring of
2020, will be a single-story ranch residence with a footprint of approximately 4,100
square feet. The applicant emphasized that the proposed storage barn will be shorter and
smaller than the residence.

Staff Comments: Based on the applicant’s statements, if the storage barn is shorter and
smaller than the residence, the area and height of the accessory building may be in
proportion to the principal building on the lot. It should be noted though that an accessory
building cannot exist on a property without a principal structure. Even if the variance
request is granted, a building permit for an accessory structure would not be granted until
a building permit for the principal structure was granted, or a bond was submitted
ensuring that the principal structure would be built within an agreed-upon time frame. If
the ZBA agrees, this standard may be met.

3. \textit{The location of the accessory building in relation to other buildings on adjoining lots and
in relation to the principal building on the lot;}

The applicant states that most of the surrounding homes in the area also have barns. They
continue by stating that the proposed barn will have vinyl siding and will complement the
look of the proposed residence. The applicant states that trees and other natural
landscaping will be planted to complement appearances.

Staff Comments: While Staff agrees that most of the surrounding homes in the area do
have barns, Staff found that only one residence has a barn that exceeds the 2,500 sq. ft.
maximum size, which is located at 15790 Greenly Street. Further, that barn was

\textsuperscript{2} It should be noted that topographical records indicate that the subject property is relatively flat, but the applicant
contends that the proposed barn would be “lower” than the proposed residence.
constructed in 1981, perhaps prior to any size restrictions being placed on accessory buildings. However, given the size of the subject property, it does appear that the wooded portion of the property would provide screening for the other properties from viewing an oversized accessory building. If the ZBA agrees, this standard may be met.

4. **Whether or not the accessory building will affect light and air circulation of any adjoining property; and**

   The applicant states that the proposed storage barn will not affect the light or air circulation of adjoining homes or neighbors.

   Staff Comments: Due to the location of the proposed structure and the size of the lot, staff does not anticipate any effect on the light and air circulation of any adjoining property. If the ZBA agrees, this standard may be met.

5. **Whether the accessory building will adversely affect the view of any adjoining property.**

   The applicant states that the proposed barn will be 380 ft. from the nearest home, which is located two parcels west of the proposed barn, nearly invisible through the thick woods. They also note that the proposed barn would be 405 ft. from the southern neighbor, also through thick woods, and not visible to the neighbors immediately east and west along Greenly Street.

   Staff Comments: Due to the location of the proposed structure and the size of the lot, staff does not anticipate that the proposed storage barn will adversely affect the view of any adjoining property. If the ZBA agrees, this standard may be met.

**Staff Recommendation:**

It appears that the standards to authorize an oversized accessory building may be met. If the ZBA agrees, consider authorizing this request for an oversized accessory structure of 3,500 square feet.
Item #3. A request by Willis & Ella Weymon to allow an addition to a residence with a front yard of approximately 22 feet where 40 feet is required per Section 38-246(1) of the Park Township Zoning Ordinance. Said land and premises are located at 2344 Sunset Bluff Drive, Holland, MI 49424. (Parcel 70-15-28-261-009, Zoned R-2 Lakeshore Residence District).

Applicable Ordinance Sections:
Sec. 38-246, Area regulations (in part).
   (1) There shall be a front yard of not less than 40 feet.

Also Sec. 38-483(e)
(2) Any building or structure built to a legally established building setback line before July 1, 2016, shall be considered as meeting the required setback from the adjacent lot line existing at that time. Additions or enlargements along or within existing setbacks shall only be allowed if approved by the Zoning Board of Appeals as a matter for Zoning Board of Appeals decision pursuant to Section 603 of the Zoning Act (MCL § 125.3603). In granting such authorization, the following standards shall be considered by the Zoning Board of Appeals:
   a. The proportion of the main wall which has been altered by the addition;
   b. The overall effect of the proposed addition on adjoining properties and the character of the surrounding neighborhood; and
   c. The addition shall not be less than five feet from the side and rear lot lines and shall not be less than 10 feet from the front lot line.

Background:
The property is described as Lot 9 of the Sunset Bluff Planned Unit Development. The property is approximately 17,121 square feet in overall area, is located on the south side of Sunset Bluff Drive, to the west of South Lakeshore Drive, and is bound by private single-family residences to the south, east, and west. There is a single-family home on the property, including a two-stall garage that faces east. The applicant is proposing to add a 240 sq. ft. single-stall garage to the north side of the existing garage, so the homeowners have a third stall between the existing garage and the circular driveway. The applicant has noted that they plan to “age in place” and having a third stall garage will allow vehicles and items to be stored from harsh weather conditions. Aerial images as well as street-view photographs of the property are below.
Zoning Board of Appeals Considerations:
As aforementioned, the property in question is located in the Sunset Bluff Planned Unit Development, which was approved in 1976. Staff reviewed the Planned Unit Development documents, and found no reference to reduced setbacks that are typically within a Planned Unit Development. As such, Staff is utilizing the R-2 Zoning District required setbacks for the consideration of an addition to the subject property.

It should be noted that Sec. 38-494(a), Front Yard Averaging, allows for the average front yard setback to be established by determining the setbacks of at least 2 adjacent structures within 300 feet of the subject property and within the same block on the same side of the street. Only the two (2) properties to the west along Sunset Bluff meet the criteria to be considered within a front yard average, and both of those properties have greater front yard setbacks than the subject property. Thus, front yard averaging methods do not reduce the applicant’s required front yard setback.

However, building setback exemptions are provided under Section 38-483(e)(2) of the Zoning Ordinance, which notes that additions or enlargements along or within existing setbacks shall only be allowed if approved by the Zoning Board of Appeals. Given that the existing residence (built in 1980) is approximately 34 ft. from the front property line, your Standards of Review below reflect those listed in Section 38-483(e)(2).

Building Setback Exception Standards Review:
Pursuant to Sec. 38-483(e)(2), the Zoning Board of Appeals shall consider the following standards in granting authorization for a building setback exception:

a. *The proportion of the main wall which has been altered by the addition;*

   The applicant states that the third stall garage will be north and face east, similar to the existing two stall garage. They also note that the third stall will replace landscape shrubs from 1980, and the original sidewalk from 1979 when the residence was completed.

   Staff Comments: It does appear that the applicant is attempting to construct an addition that blends architecturally to the existing residence. It should be noted that the proposed addition does project in the front of the existing building line, but due to the overall size and height of the existing residence, the proposed addition appears to be in scale with the existing structure. If the intention of this standard is to ensure that the proposed addition does not overwhelm the existing structure, it appears that this intention is achieved through the applicant’s proposal.

b. *The overall effect of the proposed addition on adjoining properties and the character of the surrounding neighborhood; and*

   The applicant states that there will be no effect on adjoining properties and the surrounding neighborhood.

   Staff Comments: Given the topography of the Sunset Bluff neighborhood, as well as the placement of the existing residences, the proposed addition may not have a
substantial impact on adjoining properties and the character of the surrounding neighborhood. However, the proposed addition would ensure that the subject property has the smallest front yard setback in the vicinity. Staff encourages the ZBA to consider any comments received at the public hearing in this regard.

c. The addition shall not be less than five feet from the side and rear lot lines and shall not be less than 10 feet from the front lot line.

Staff Comments: As the proposed addition would be approximately 22 feet from the front property line, it appears this standard may be met.

Recommendation:
Staff finds that the proposed garage addition would likely not overwhelm the existing residence, nor have negative impacts on surrounding properties. However, given the reduced front yard setback, Staff encourages the ZBA to consider any public comment received. If the ZBA agrees, and there are not substantive public concerns, consider approving this request to construct an addition to a single-family residence with a 22 foot front yard setback.
Item #4. A request by Terry Sullivan, on behalf of Jed Rodino, to allow an addition to a residence with a rear yard of 42 feet where no less than 50 feet is permitted per Section 38-276(3) of the Park Township Zoning Ordinance. Said land and premises are located at 2980 Pine Edge Court, Holland, MI 49424. (Parcel 70-15-13-213-017, Zoned R-3 Low Density One Family Residence District)

Applicable Ordinance Sections:
Sec. 38-276, Area regulations (in part).
3) Rear yard. There shall be a rear yard of not less than 50 feet; and

Sec. 38-483(e)
2) Any building or structure built to a legally established building setback line before July 1, 2016, shall be considered as meeting the required setback from the adjacent lot line existing at that time. Additions or enlargements along or within existing setbacks shall only be allowed if approved by the Zoning Board of Appeals as a matter for Zoning Board of Appeals decision pursuant to Section 603 of the Zoning Act (MCL § 125.3603). In granting such authorization, the following standards shall be considered by the Zoning Board of Appeals:
   a. The proportion of the main wall which has been altered by the addition;
   b. The overall effect of the proposed addition on adjoining properties and the character of the surrounding neighborhood; and
   c. The addition shall not be less than five feet from the side and rear lot lines and shall not be less than 10 feet from the front lot line.

Background:
The property is described as lot 43 of Timberline Acres No. 2. The property is 0.44 acres, or approximately 19,236 square feet. There is an existing residence on the property, approximately 2,640 square feet in size, excluding the attached garage and basement. The existing residence was built in 2000 with the existing rear deck. Per the site plan that was submitted with the 2000 permit documents, the rear wall of the residence is located 54 feet from the northern property line, with a 14 ft. x 20 ft. deck extending towards said property line. As such, the existing deck is 40 feet from the rear property line. An aerial view of the property as well as a view of the existing deck from the back yard are below.
Zoning Board of Appeals Considerations:
As aforementioned, the residence was constructed in 2000; when the building permit was approved in late 1999, the Zoning Administrator noted the rear setback as 54 feet (see attached Building Permit 5230). As is evident on the attached plot map dated 10/9/99, the deck was not shown. While the deck was shown on the elevation and floor plans submitted for the residence, it was not included in the rear yard setback computation. Staff believes that this was a simple mistake, given the fact that the majority of the other decks in the neighborhood appear to be 50 feet from the rear property line. However, it is also plausible that decks were exempt from the building setback regulations in 1999.

Township Staff has been advised by the Township Attorney that if a non-conforming deck is being replaced exactly to the existing footprint, it may be approved by Staff administratively. However, given that the applicant is proposing to increase the footprint of the non-conforming area to the west, in addition to providing enclosed space (rather than an open air deck), Staff believes that a variance is required for the rear yard setback of the proposed sunroom. As you know, building setback exemptions are provided under Section 38-483(e)(2) of the Zoning Ordinance, which notes that “Any building or structure built to a legally established building setback line before July 1, 2016, shall be considered as meeting the required setback from the

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3 Staff did attempt to utilize the rear yard averaging methodology of Section 38-494 of the Zoning Ordinance. However, as the vast majority of the neighboring properties have decks that meet the required 50 foot rear yard setback, rear yard averaging does not result in a reduced setback that would aid the applicant.
adjacent lot line established at that time. Additions or enlargements along or within existing setbacks shall only be allowed if approved by the Zoning Board of Appeals.” As such, your Standards of Review below reflect those listed in Section 38-483(e)(2).

**Building Setback Exception Standards Review:**
Pursuant to Sec. 38-483(e)(2), the Zoning Board of Appeals shall consider the following standards in granting authorization for a building setback exception:

a. *The proportion of the main wall which has been altered by the addition;*

The applicant states that the proposed sunroom exceeds the required 50 foot rear yard setback. They also note that the current deck is 14 feet deep, whereas the proposed sunroom will be only 12 feet deep.

Staff Comments: It does appear that the applicant is attempting to construct an addition that adjoins and blends architecturally to the existing residence. If the intention of this standard is to ensure that the proposed addition does not overwhelm the existing structure, it appears that this intention is achieved through the applicant’s proposal.

b. *The overall effect of the proposed addition on adjoining properties and the character of the surrounding neighborhood; and*

The applicant states that the proposed sunroom will have no effect on adjoining properties and the surrounding neighborhood.

Staff Comments: Staff agrees that given the location of the existing deck and the mature trees in the rear yard of the property, the proposed addition will have a minimal impact on adjoining properties and the character of the surrounding neighborhood.

c. *The addition shall not be less than five feet from the side and rear lot lines and shall not be less than 10 feet from the front lot line.*

Staff Comments: The proposed addition would be approximately 42 feet from the rear property line. As such, it appears this consideration has meet met.

**Recommendation:**
Staff finds that the area proposed for the sunroom addition is within the existing rear deck location, and only encloses a minimal area. As such, the proposed addition may not have any negative impacts on neighboring properties or significantly alter the main wall of the residence. If the ZBA agrees, and there are not substantive public concerns, consider approving this request to construct an addition to a single-family residence with a 42-foot rear yard setback.
Item #5. A request by Randall Schipper, on behalf of Paul Elzinga and Josh and Jenine Elizinga, to allow the extension of a private access easement to permit a land division, where frontage on a public or private roadway is required per Section 38-499(a) of the Park Township Zoning Ordinance. Said land and premises are located at 340 N. 168th Avenue, Holland, MI 49424. (Parcel 70-15-21-200-003, Zoned R-3 Low Density One Family Residence District)

Applicable Ordinance Sections:
Sec. 38-499, Minimum frontage and lot width.
(a) Every principal building and use shall be located on a lot that has a minimum of 85 feet of frontage on either a public street or a private road authorized as a special use pursuant to Section 38-512; provided, however, that lots located on the curve portion of a curved public street or private road or on the curved portion of a cul-de-sac public street or private road may have a lot width at the front lot line of less than 85 feet if the lot is not less than 85 feet wide at a distance of 35 feet from the front lot line. The minimum frontage and minimum lot width required by this section shall be provided with land that is owned by the lot owner; land over which the lot owner has an easement, license or other nonownership interest may not be used to meet the minimum frontage or minimum lot width required by this section.

(b) The provisions of this section requiring a minimum frontage on a public street or private road of 85 feet shall not apply to any lot which was platted or otherwise of record as of July 17, 1989, or if an owner or other party in interest in the land has proposed the creation of the lot to the Township and received tentative approval of the creation of the lot from the Township Supervisor or Township employee on or before July 17, 1989.

Background:
The 9.99 acre subject property is located off of N. 168th Avenue, to the northwest of Fellowship Christian Church, between W. Lakewood Boulevard and James Street. The property does not currently have frontage on a public or private roadway, but rather a private access easement that was established in 1966, providing access from N. 168th Avenue through the church property, to both the subject property and the parcel to the south (314 N. 168th Avenue, parcel 70-15-21-200-012). There is an existing residence on the property, approximately 1,645 square feet in size, as well as a 656 square foot detached storage building. An aerial view of the property is provided below.

In late 2019/early 2020, Staff began receiving inquiries from realtors about the potential for creating a new parcel from the subject property, utilizing the existing access easement in lieu of frontage on a public or private roadway. Staff informed those inquiring that easements cannot be utilized in lieu of frontage on a public or private roadway when creating a new parcel. In February 2020, the applicant submitted an application for Land Division to the Township Assessing Department, intending to create a 7.20 acre parcel and a 2.84 acre parcel from the subject property. The applicant proposes to grant access to the 2.84 acre parcel by extending the existing access easement 100 feet to the west; thus extending the length of the easement to continue granting access to the existing residence and garage, while also providing access to the proposed 7.20 acre parcel for future development. For clarity, the existing driveway is not proposed to be altered, but the access easement would need to be extended to the west to provide legal access to both resulting parcels.
During a meeting between the applicant and Township Staff in early March 2020, Staff emphasized again that a new parcel would not be permitted to be created without frontage on a public or private roadway, and that the applicant would have to submit an application for a Special Use Permit to convert the private driveway to a private roadway. At that time, the applicant noted that they had been instructed by previous Zoning Administrators to submit a variance request to permit the creation of a parcel without frontage on a public or private roadway. Current Township Staff has confirmed with the Township Attorney that a variance is required to permit such a Land Division.

Zoning Board of Appeals Considerations:
As aforementioned, the applicant is intended to complete a Land Division that creates a 7.20 acre parcel and a 2.84 acre parcel, both without frontage on a public or private roadway. Township Staff has advised the applicant that the intention of the Zoning Ordinance is to reduce nonconformities; if the applicant is required to establish the private driveway as a private roadway, it would eliminate two (potentially three) parcels without frontage.

Staff would like to note that on page 2 of 7 of the Reciprocal Easement for Ingress and Egress (signed February 13 and 14, 2020), Item 5 states: “The parties agree that the westerly portion of the Easement Area may be expanded to allow for a circular cul-de-sac, if required by Park Township.” It is Staff’s interpretation that this represents some acknowledgement of the Private Road Standards of Section 38-512 of the Zoning Ordinance, as Staff is unsure why Park Township would require a cul-de-sac on a private driveway (or what Zoning Ordinance regulation would require modifications to a personal driveway).

In a meeting with Township Staff in early March 2020, the applicant (Paul Elzinga) noted that he
believed the existing private driveway either is currently, or could be upgraded, to the private road standards specified in Section 38-512 of the Zoning Ordinance. Further, the intention of roadways is to provide an inter-connected network for pedestrian and motor vehicle travel. Given the size of the subject property, the parcel to the south (recently noted for sale), as well as the 31 acre parcel to the west (385 N. Lakeshore Drive, owned by Kamp Kiwanis), it is feasible that the land in the general vicinity may be desired to be developed into additional parcels or lots in the future. While granting a variance for the extension of an access easement in lieu of frontage would not prevent future development from happening, it may set precedent for future land divisions occurring without frontage.

Non-Use Variance Standards Review:
Pursuant to Sec. 38-70(1), the Zoning Board of Appeals shall consider the following standards and shall make an affirmative finding as to each standard to authorize a non-use variance:

a. *That strict compliance with the zoning ordinance regulating the minimum area, yard setbacks, frontage, height, bulk, or density, or other regulation would render conformity with those restrictions of the zoning ordinance unnecessarily burdensome;*

The applicant states that strict compliance with the requirement to have 85 feet of frontage on a public or private road would require a Special Use approval, and could require replacing the private driveway. The private drive extends approximately 850 feet west of N. 168th Avenue, about 500 feet of which is over land owned by Fellowship Christian Church. The applicant states that the Church is satisfied with the current drive configuration, so it has no reason to agree to any reconfiguration or improvement to the private drive that may be necessary to meet private road standards. They further note that the Elzinga’s desire to split the parcel into two parcels, so the increased use of the private drive would be negligible, but the cost to rebuild the private drive would be a large burden.

Staff Comments: The applicant’s statement regarding replacing the private driveway is contrary to what was stated in their meeting with Staff in early 2020. Further, while the applicant notes that the Church is satisfied with the current drive configuration, no documentation to this effect has been provided. Staff recognizes that the cost of a private drive, inclusive of a Special Use Application, may be expensive; however, Staff does not find that it is unnecessarily burdensome or prevents the property from continuing to be used in a residential manner.

b. *That granting the requested variance would do substantial justice to the applicant as well as to other property owners in the zoning district. If a lesser relaxation than that applied for would give substantial relief to the property owner and be more consistent with justice to other property owners in the district, the Board of Appeals may grant a lesser variance provided the other standards are met.*

The applicant states that granting the variance would do substantial justice to the Elzingas and their neighbors, as the existing private drive has been used for over 50 years without a problem. They further detail that instead of two residences using the driveway, there would be three.
Staff Comments: Staff agrees that substantial justice may be provided to the applicant and the current neighbors. However, as the intention of the variance application is to divide the subject property, there may be challenges in the future with potential owners. Additionally, as aforementioned, no documentation has been provided with the application that the Church is satisfied with the current drive configuration, or the potential to add a parcel with access to the drive. While granting the variance may do substantial justice to the current applicant, it may set precedent for future land divisions in Park Township, which may not do justice to other property owners.

c. That the plight of the property owner/applicant is due to the unique circumstances of the property (e.g., an odd shape or a natural feature like a stream or a wetland) and not due to general conditions of the zoning district; and

The applicant states that the situation is unique; that no other residences in Park Township have a private drive through a church or school property, and would be landlocked except for that access. While the subject property is ten acres, the applicant foresees splitting it into only two parcels.

Staff Comments: While there may not be other residences in Park Township that have a private drive through a church or school property, there are certainly other properties without frontage on a public or private roadway. Further, while the applicant may only foresee splitting the subject property into two parcels, it should be emphasized that the property is nearly 10 acres in the R-3 Zoning District, which requires a minimum lot size of 15,000 square feet, regardless of the availability of public water and sewer. Staff believes that there is development potential for this property, and granting the variance may set a precedent.

d. That the practical difficulties alleged are not self-created.

The applicant states that the problem is not self-created, that the subject parcel and private drive predate the Zoning Ordinance, and that the Elzingas did not do anything to create the nonconformity that now burdens their parcel.

Staff Comments: While the subject parcel and private drive do predate the Park Township Zoning Ordinance, the land was purchased by the current property owner as a parcel without frontage. The Elzingas did not create the nonconformity, but there is the potential to eliminate the nonconformity through a private roadway.

Recommendation:
Staff has not provided comments recommending if each of standards a. through d. have been met, and Staff believes that the solution to this matter is to apply for a Special Use Permit through the Planning Commission to establish a private roadway. However, this has not been the recommendation of previous Zoning Administrators. As such, Staff will defer the formal recommendation to the Zoning Board of Appeals’ discussion at the April 20, 2020 meeting. If the Zoning Board of Appeals finds that the applicant has met standards a. through d., Staff urges the Board to require the applicant (Mr. Schipper) to submit an affidavit stating that allowing a Land Division creating a parcel without frontage on a public or private roadway is not precedent
setting. This was discussed with the applicants and the Township Manager during their early March 2020 meeting. Staff would also urge the Board to require the property owners (Josh and Jenine Elzinga) to sign an affidavit that is recorded with Ottawa County that the property will not be divided further without a private roadway being established.
PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL #70-15-33-281-015       DATE FILED 2-18-20

PROPERTY ADDRESS 2241 First Avenue

NAME OF APPLICANT Scott and Kimberly Finse

Email Address SFinse@msn.com

OWNER AS PER TAX RECORD Scott and Kimberly Finse

Application is hereby made to the Zoning Board of Appeals for a variance of the Park Township Zoning Ordinance. The variance being applied for is contrary to SECTION NUMBER (S)

Describe the nature of the request:

__ Dimensional variance (size, setback, height, etc.) Also fill out the Dimensional supplement attached.

__ Interpretation of Zoning Ordinance. Attach a separate sheet explaining the interpretation you are seeking.

__ Appeal of a Decision of the Zoning Administrator. Attach a separate sheet explaining the reason why you feel the decision was in error.

__ Use variance. Note: The Use Variance Supplement is a separate form.


What are the practical difficulties or unnecessary hardships of complying with the Park Township Zoning Ordinance?

Currently, the home is only one bedroom. The scope of our project will create a two-bedroom home with an enlarged kitchen. The home was built 120 years ago along the edge of the property line. We are not asking to encroach on that line, but rather to extend the existing wall an additional 2 feet 4 inches.

Eight (8) copies of the appeal with supportive documentation (i.e. drawings, survey, sketches of proposed plan, proposed location) to be supplied with request.

AFFIDAVIT: I agree the statements made above are true, and if found not to be true, this application and subsequent decision may be void. Further, I agree to comply with the conditions and regulations provided with any variance that may be issued. Further, I agree the variance that may be issued is with the understanding all other applicable sections of the Park Township Zoning Ordinance, and Michigan Construction Code will be complied with. Further, I agree to notify the Park Township Building Dept. for inspections when required. Further, I agree to give permission for officials of Park Township, the County of Ottawa and the State of Michigan to enter the property subject to this permit application for purposes of inspection. Finally, I understand this is a Zoning Board of Appeals application, and any variance issued conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, deed restriction, or other property rights.

Kimberly Finse
Signature of Property Owner 2-18-20

Kimberly Finse
Signature of Applicant 2-18-20
Building Setback Exception

Following are the standards which the Zoning Board of Appeals must use in considering your request and a place for you to explain how you meet these standards. You may use additional sheets to answer in more detail, but you must answer all questions.

1) The following projection dimensions are allowable:
   i. Bay windows, chimneys, awnings and architectural design embellishments of dwellings that do not house or enclose habitable floor area nor project more than three (3) feet into the required setback.
   ii. Roof overhangs that do not project more than two (2) feet into the required setback.
   iii. Steps and small entrance landings or porches, including porticos corresponding to the area of the porch, provided that such porches and porticos do not project more than four (4) feet in to the required setback;

2) The proportion of the main wall which has been altered by the projection.

Describe the size of the proposed expansion in relation to the main or existing wall:

Proposed expansion is 13’9” wide by 2’4” deep. The 13’9” wall will become flush with an existing wall, maintaining a 10’ setback from an existing shed. The 2’4” wall will be flush with the existing wall which currently sits 5’ from the lot line where the house was originally constructed in 1960.

3) The overall effect of the proposed projection on adjoining properties and the surrounding neighborhood.

Describe the effect of the expansion on adjoining properties and the surrounding neighborhood:

The additional 2’4” of wall along the east side of the home will have minimal effect on the adjoining property as there is already an existing fence running along the same line.

As this expansion is in the rear of the home facing an existing shed, other properties in the neighborhood will not be affected.
PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL #70-15-11-300-0.29 DATE FILED 2/20/2020

PROPERTY ADDRESS 15860 Greenly Street

NAME OF APPLICANT Eric Bruins PHONE NO. (616) 293-1653

Email Address eric.bruins@inontime.com

OWNER AS PER TAX RECORD Eric and Janette Bruins Trust

Application is hereby made to the Zoning Board of Appeals for a variance of the Park Township Zoning Ordinance. The variance being applied for is contrary to SECTION NUMBER (S)

Describe the nature of the request:

X Dimensional variance (size, setback, height, etc.) Also fill out the Dimensional supplement attached.

___ Interpretation of Zoning Ordinance. Attach a separate sheet explaining the interpretation you are seeking.

___ Appeal of a Decision of the Zoning Administrator. Attach a separate sheet explaining the reason why you feel the decision was in error.

___ Use variance. Note: The Use Variance Supplement is a separate form.


What are the practical difficulties or unnecessary hardships of complying with the Park Township Zoning Ordinance?

A larger barn is needed by homeowner for a personal work space and storage area.

Eight (8) copies of the appeal with supportive documentation (i.e. drawings, survey, sketches of proposed plan, proposed location) to be supplied with request.

AFFIDAVIT: I agree the statements made above are true, and if found not to be true, this application and subsequent decision may be void. Further, I agree to comply with the conditions and regulations provided with any variance that may be issued. Further, I agree the variance that may be issued is with the understanding all other applicable sections of the Park Township Zoning Ordinance, and Michigan Construction Code will be complied with. Further, I agree to notify the Park Township Building Dept. for inspections when required. Further, I agree to give permission for officials of Park Township, the County of Ottawa and the State of Michigan to enter the property subject to this permit application for purposes of inspection. Finally, I understand this is a Zoning Board of Appeals application, and any variance issued conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, deed restriction, or other property rights.

Eric Bruins
Signature of Property Owner 2/20/2020

Eric Bruins
Signature of Applicant 2/20/2020
Accessory Building Approval Request

Following are the five (5) standards which the Zoning Board of Appeals must use in considering your request for additional square footage or height, and a place for you to explain how you meet these standards. You may use additional sheets to answer in more detail, but you must answer all questions.

1) The area and/or height of the accessory building in relation to the size of the lot on which it is to be placed;

Describe how the size or height is not excessive in relation to the lot size as described in Standard #1 above:
The storage barn is proposed to be constructed on a 5 acre wooded lot in Park Township, roughly 1,100 feet from the nearest accessible road (Greenly Street). The proposed building will be 25' from the Western property line, 150' North of the Southern property line. The construction location is surrounded on all four sides with tall trees, many over 100' tall, and thick woods for hundreds of feet in all directions. The proposed barn will sit lower than the house and will appear smaller than the house.

2) The area and/or height of the accessory building in relation to the principal building on the lot on which the accessory building is to be placed;

Describe how the proposed size of the accessory building is not excessive in relation to the size of the principal building as described in Standard #2 above:
The home, which will be under construction this spring, will be a single story ranch home and will have a total footprint of approximately 4100 square feet. The barn will be shorter and smaller than the home. There will be only two structures on this property; the home and the barn.

3) The location of the accessory building in relation to other buildings on adjoining lots and in relation to the principal building on the lot;
Describe how the proposed building will fit into the area as described in Standard #3 above:

Most of the surrounding homes in the area also have barns. This barn will have vinyl siding and will compliment the looks of the new home, 100' away. Trees and other natural landscaping will be planted to compliment looks.

4) Whether or not the accessory building will affect light and air circulation of any adjoining property; and

Describe the effect or lack of effect of light and air circulation of any adjoining property.

The building will not affect the light or air circulation of adjoining homes or neighbors.

5) Whether the accessory building will adversely affect the view of any adjoining property.

Describe the effect the accessory building may have on the view from any adjoining property.

This barn will be 380' from the nearest home, two parcels west of the barn, nearly invisible through thick woods. The barn will be 405' from the southern neighbor, also through thick woods, and not visible to the neighbors immediately East and West on Greenly Street. See actual pictures in this packet.
Accessory Building Approval Request, April, 2020

Overview:

The Eric & Janette Bruins family are current residents of Allendale Township, Michigan and fulfilled a long-time dream of purchasing 5 undeveloped wooded acres in Park Township in May, 2020. Eric & Janette have owned 2 boat slips at Anchorage Marina since 2011, his parents are residents in Waukazoo Woods (since 2009) and the Bruins of Allendale are very excited to have Troxel Custom Home Builders of Holland construct a new home for them this spring so that they can be permanent residents of Park Township!

Eric works for Inotime Transportation & Warehousing of Zeeland and Janette is a Registered Nurse at Muskegon Surgical Center in Muskegon. Their two daughters are currently in High School and Middle School.

The proposed barn will only be used for personal use; no business will be conducted out of this facility. Eric’s business has its own maintenance facility for equipment and storage for customer goods and has no need for this proposed barn. Janette and the girls will also have no need to conduct any business ventures out of this building. The barn is not for rent as storage; it is for the personal use of the Bruins family only.

Professionally built, this barn will closely resemble the new home located approximately 100’ away with the same vinyl siding, shakes, trim, shingles and roof line angles.

Inside the barn will be a large storage area for 2 boats (which need a 13’6” door to get inside), an automobile and room for other personal items. The proposal also includes a small restroom with a toilet and sink only (no bathing facilities), a large work room for personal hobbies including woodworking, and a room to park an automobile for repair (another personal hobby). All areas of the barn will be for personal recreation and not for profit or business use.

The barn will need to be heated due to water being present, but it will not have a kitchen or a living area.

Eric & Janette already have good relationships with the James & Sharon Weller to their West and John & Sandy to their east. The Bruins have a long history of building friendships with neighbors and seek to continue that legacy with their new neighbors.

Variance request:

Eric Bruins is requesting a variance for both total square footage and height. The proposed height of the barn is 29’6” and the total proposed square footage is 3,500. The owner is aware that local law permits such a building with a maximum height of 26’ and maximum 2,500 square feet. The barn can be redesigned to make the overall height shorter than 26’ if over height variance is not permitted.
Looking South

Home

Barn

Neighbors House (not visible)
Looking West on the Proposed Barn Location

Neighbors House (not visible)

Neighbors House (380' away)

Neighbors House (450' away)
PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL #70-15-28-261-009 DATE FILED 02/27/2020
PROPERTY ADDRESS 2344 Sunset Bluff Dr, Holland, MI 49424
NAME OF APPLICANT Ella Weymon PHONE NO. (616) 510-0804
Email Address weymonew@sbcglobal.net
OWNER AS PER TAX RECORD Willis and Ella Weymon

Application is hereby made to the Zoning Board of Appeals for a variance of the Park Township Zoning Ordinance. The variance being applied for is contrary to SECTION NUMBER (S) 38-246 (1)

Describe the nature of the request:
☑ Dimensional variance (size, setback, height, etc.) Also fill out the Dimensional supplement attached.
☐ Interpretation of Zoning Ordinance. Attach a separate sheet explaining the interpretation you are seeking.
☐ Appeal of a Decision of the Zoning Administrator. Attach a separate sheet explaining the reason why you feel the decision was in error.
☐ Use variance. Note: The Use Variance Supplement is a separate form.

What are the practical difficulties or unnecessary hardships of complying with the Park Township Zoning Ordinance?
We are seeking to build a 3rd stall garage, as we plan to "age in place" and will need to protect our bodies (both knees replacement surgery already for spouse), vehicles, and storage items from harsh Michigan winters and other adverse weather conditions. Also to keep our property looking attractive without extra cars parked in the driveway.

Eight (8) copies of the appeal with supportive documentation (i.e. drawings, survey, sketches of proposed plan, proposed location) to be supplied with request.

AFFIDAVIT: I agree the statements made above are true, and if found not to be true, this application and subsequent decision may be void. Further, I agree to comply with the conditions and regulations provided with any variance that may be issued. Further, I agree the variance that may be issued is with the understanding all other applicable sections of the Park Township Zoning Ordinance, and Michigan Construction Code will be complied with. Further, I agree to notify the Park Township Building Dept. for inspections when required. Further, I agree to give permission for officials of Park Township, the County of Ottawa and the State of Michigan to enter the property subject to this permit application for purposes of inspection. Finally, I understand this is a Zoning Board of Appeals application, and any variance issued conveys only land use rights; and does not include any representation or conveyance of rights in any other statute, deed restriction, or other property rights.

Willis Weymon 02/27/2020
Signature of Property Owner

Ella Weymon 02/27/2020
Signature of Applicant
Building Setback Exception

Following are the standards which the Zoning Board of Appeals must use in considering your request and a place for you to explain how you meet these standards. You may use additional sheets to answer in more detail, but you must answer all questions.

1) The following projection dimensions are allowable:
   i. Bay windows, chimneys, awnings and architectural design embellishments of dwellings that do not house or enclose habitable floor area nor project more than three (3) feet into the required setback.
   ii. Roof overhangs that do not project more than two (2) feet into the required setback.
   iii. Steps and small entrance landings or porches, including porticos corresponding to the area of the porch, provided that such porches and porticos do not project more than four (4) feet in to the required setback;

2) The proportion of the main wall which has been altered by the projection.

Describe the size of the proposed expansion in relation to the main or existing wall:

The proposed 3rd stall garage will be "north" of and face "East" just like our current 2 stall garage (see drawings A & B). The dimensions of the proposed 3rd stall is 12 feet wide (moving North toward the Street) by 20 feet long. The 3rd stall will replace landscape shrubs we planted Summer 1980 (we purchased new May 1980) and the original sidewalk from Summer 1979 (when home originally completed).

3) The overall effect of the proposed projection on adjoining properties and the surrounding neighborhood.

Describe the effect of the expansion on adjoining properties and the surrounding neighborhood:

There is NO affect on adjoining properties and the surrounding Neighborhood. Our House faces North, where the garage is, then circular drive then Street, Sunset Bluff Drive.
PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION


PROPERTY ADDRESS 2980 Pine Edge Ct

NAME OF APPLICANT Terry Sullivan PHONE NO 231-670-9161

Email Address Terry E Home bromi.com

OWNER AS PER TAX RECORD Ted Rodina

Application is hereby made to the Zoning Board of Appeals for a variance of the Park Township Zoning Ordinance. The variance being applied for is contrary to SECTION NUMBER (S)

Describe the nature of the request:

☒ Dimensional variance (size, setback, height, etc.) Also fill out the Dimensional supplement attached.

☐ Interpretation of Zoning Ordinance. Attach a separate sheet explaining the interpretation you are seeking.

☐ Appeal of a Decision of the Zoning Administrator. Attach a separate sheet explaining the reason why you feel the decision was in error.

☐ Use variance. Note: The Use Variance Supplement is a separate form.


What are the practical difficulties or unnecessary hardships of complying with the Park Township Zoning Ordinance?

Location of current deck exceeds 50'. Set back to rear sunroom we will be build is 2' shorter than existing deck

Eight (8) copies of the appeal with supportive documentation (i.e. drawings, survey, sketches of proposed plan, proposed location) to be supplied with request.

AFFIDAVIT: I agree the statements made above are true, and if found not to be true, this application and subsequent decision may be void. Further, I agree to comply with the conditions and regulations provided with any variance that may be issued. Further, I agree the variance that may be issued is with the understanding all other applicable sections of the Park Township Zoning Ordinance, and Michigan Construction Code will be complied with. Further, I agree to notify the Park Township Building Dept. for inspections when required. Further, I agree to give permission for officials of Park Township, the County of Ottawa and the State of Michigan to enter the property subject to this permit application for purposes of inspection. Finally, I understand this is a Zoning Board of Appeals application, and any variance issued conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, deed restriction, or other property rights.

Signature of Property Owner

Signature of Applicant

Date 3/20/2020
Building Setback Exception

Following are the standards which the Zoning Board of Appeals must use in considering your request and a place for you to explain how you meet these standards. You may use additional sheets to answer in more detail, but you must answer all questions.

1) The following projection dimensions are allowable:
   i. Bay windows, chimneys, awnings and architectural design embellishments of dwellings that do not house or enclose habitable floor area nor project more than three (3) feet into the required setback.
   ii. Roof overhangs that do not project more than two (2) feet into the required setback.
   iii. Steps and small entrance landings or porches, including porticos corresponding to the area of the porch, provided that such porches and porticos do not project more than four (4) feet in to the required setback;

2) The proportion of the main wall which has been altered by the projection.

Describe the size of the proposed expansion in relation to the main or existing wall:

```plaintext
$\text{Entire Sunroom Exceeds distant on rear of Home 5\,\text{'}\,5\,\text{'}\, Setback}
\checkmark \text{Current deck is 14\,\text{'} Sunroom will be 12',}
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3) The overall effect of the proposed projection on adjoining properties and the surrounding neighborhood.

Describe the effect of the expansion on adjoining properties and the surrounding neighborhood:

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No Effect
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Owners Name: Jod Radin
Property/Project Address: 8980 Edge Ct

Contractor Business Name: Home Bro of West Mich
Contact Person: Jerry Sullivan
Contractor License Number: 2102209140
Contractor Address: 520 Elm
City: Spring Lake

Value of Construction (Labor Included) 30,000

Describe Construction Add to deck Sunroom

Section 23A of the State Construction Code Act of 1972, 1972 PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this State regulating to persons who are to perform work on a residential structure. Violators of Section 23A are subject to civil fines.

Basic Information Required

2 copies of detailed construction plans and site plan showing exact location of construction, existing buildings and property lines

Energy Code Worksheet

Ottawa County Septic Permit Number/copy if applicable: Ottawa County Well Permit Number/copy if applicable:

Municipal Services: Municipal Water Service Size: Meter Size: Sewer: Y/N

Excavator/Plumber Name for Municipal Service only:

D.E.Q. permit number if applicable:

Soil Erosion Permit Number if applicable: Bike Path Permit if applicable:

Ottawa County Driveway Permit Number and copy of permit if applicable:

Parcel Number 70-15-13-213-017

AFFIDAVIT: I agree the statements made above are true, and if found not to be true, any building permit that may be issued may be void. Further, I agree to comply with the conditions and regulations provided with any permit that may be issued. Further, I agree the permit that may be issued is with the understanding all applicable sections of the Park Township Zoning Ordinance, and Michigan Construction Code will be complied with. Further, I agree to notify the Park Township Building Dept. for inspections when required. Further, I agree to give permission for officials of Park Township, the County of Ottawa and the State of Michigan to enter the property subject to this permit application for purposes of inspection. Finally, I understand this is a building permit application, and any permit issued conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, deed restriction, or other property rights.

Signature of Applicant: Date: 3/11/2020
Zoning Official:
Building Inspector/Plan Reviewer:
Adding Sunroom

Adding 14' to Existing deck

Beam 3' x 4' x 10'

Deck

Existing

Existing

House

16" on center
8' x 10' Traveler
Number of Stories: >1
Footprint Perimeter: 251'
Footprint Area: 2791 ft²
Left Wall

ORDER: 20200353
LINE ITEM: 1
DATE: 2/4/2020

72 PD

47 MOD
Front Wall

ORDER: 20200353
LINE ITEM: 1
DATE: 2/4/2020

59 MOD

71 9/16''

59 MOD

71 9/16''
Right Wall

59 MOD

59 MOD

ORDER: 20200353
LINE ITEM: 1
DATE: 2/4/2020
BUILDING PERMIT
PARK TOWNSHIP, HOLLAND, MICHIGAN
PHONE 399-4520

Date 12-28-99 Parcel No. 13-213-017 Permit Fee $450

Property Address 2980 PINE POINTE CT

Owner TED ROBYNO Phone

Contractor TWIN PEAKS Phone 385 6219

This Application is for:
- Construction of a new building [ ]
- Demolition of a building [ ]
- ZONE Residential [ ]
- Moving a building [ ]
- Commercial [ ]
- Alteration of an existing building [ ]
- Sign [ ]
- Industrial [ ]
- Repair to an existing building [ ]
- Fence [ ]
- Agricultural [ ]
- Accessory building [ ]
- Other [ ]

This permit issued under B.O.C.A. 1996 ☑ CABO 1995 ☑

WORK TO BE DONE: House + Garage + Deck

Approximate starting date: 

Estimated cost of erecting, repairing or remodeling (including cost of plumbing, heating, electric wiring, and all material and labor whether by owner or by contract): $220,000

COMPLETE PLANS REQUIRED FOR ALL BUILDING Plans and Specifications Submitted: Yes ☑ No ☐

Size of Lot

Location of Proposed Building on Lot:
- Distance from front line 40
- Distance from right side 10
- Distance from rear lot line 54
- Distance from left side 14

NOTICE — LOCAL ORDINANCES REQUIRE THE CONTRACTOR OR OWNER TO CALL FOR THE FOLLOWING INSPECTIONS.

→ 1. FOOTING AND WALL BEFORE BACKFILLING
→ 2. PRIOR TO COVERING OR THE CONCEALING OF ANY STRUCTURAL FRAME WORK — PLUMBING — ELECTRICAL WIRING
→ 3. PRIOR TO OCCUPYING ANY NEW BUILDING OR ADDITION THERETO OR BEFORE FILLING POOL

THIS PERMIT COVERS BUILDING CONSTRUCTION ONLY. SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING AND MECHANICAL.

BASEMENT FLOOR MUST BE AT LEAST 2 FEET ABOVE HIGHEST KNOWN WATER TABLE.

GARAGE FLOOR MUST BE AT LEAST 8 INCHES ABOVE CROWN OF ROAD.

I hereby certify that the above information is true and complete and that this work will comply with all the laws and regulations governing the same.

Permit: Owner ☑ Contractor ☐ Agent ☐ Signed ☑

This permit expires 1 year from issue date

Approved by [Signature] 12-28-95

All extra inspections will be billed to the general contractor

BA Approval Date [Signature] Date 12-28-95

PC Approval Date [Signature]
March 31, 2020

Mr. Doug Dreyer, Chair
Zoning Board of Appeals
Park Township
52 - 152nd Avenue
Holland, MI 49424

RE: Non-Use Variance Request;
340 North 168th Avenue, Holland, MI 49424

Dear Chair and Members:

Enclosed you will find our original and eight (8) copies of the Application to the Park Township Zoning Board of Appeals captioned above, as well as this office’s check, made payable to Park Township, in the amount of $350 (amount which represents your Variance Request Application Fee). We respectfully request that our Application for Non-Use Variance be placed on your May, 2020 Meeting Agenda. If your Board is not yet conducting standard meetings in May, we request a virtual meeting. We understand your Board is using the Zoom program to conduct such virtual meetings. Whatever is decided regarding the date which our Application for Non-Use Variance will be heard, we ask that you notify us of the date and time of that meeting, and if it is to be a standard meeting or a virtual meeting. Please contact me if you have any questions. Thank you.

Very truly yours,
Cunningham Dalman, P.C.

By: [Signature]
Randall S. Schipper
schipper@cunninghamdalman.com

RSS/ljc
Enclosures
cc: Paul Elzinga
(w/enc.) (via email)
March 31, 2020

Mr. Doug Dreyer, Chair
Zoning Board of Appeals
Park Township
52 – 152nd Avenue
Holland, MI 49424

RE: Non-Use Variance Request;
340 N. 168th Avenue, Holland, MI 49424

Dear Chair and Members:

We represent Paul Elzinga and Joshua and Jenine Elzinga. As described on our application, the Elzingas desire to split the subject parcel so that Josh and Jenine can complete their land contract purchase of the existing house, and Paul can sell the remainder parcel for retirement income.

Paul acquired the subject property in 1966. The private drive serving this parcel and the one to the south was constructed shortly thereafter, so has served the existing residence on the subject property for over fifty (50) years, predating the township’s zoning ordinance. Now, the Elzingas desire to split the subject parcel, with Josh and Jenine retaining the existing house, and Paul selling the remainder parcel, which would be served by a driveway off the existing drive (so the driveway would not be extended), for retirement income.

Because the subject parcel, and its twin to the south and the private drive serving them, were established before the township’s zoning ordinance, neither the subject parcel nor the proposed resulting parcels have 85 feet of frontage on a private road approved by the township. As a result, the Elzingas need a variance from the 85 feet of frontage requirement to be able to split their parcel. The proposed resulting parcels will each have over 85 feet frontage on the
private driveway reflected by the newly-formalized easement between the Elzingas and the owners of the parcel to the south.

The township zoning ordinance has four (4) criteria to evaluate in deciding whether to grant a dimensional variance:

1. Whether strict compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would render conformity with such restrictions unnecessarily burdensome;

2. Whether granting a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners;

3. Whether the plight of the owner/applicant is due to unique circumstances of the property and not to general conditions of the zoning district; and

4. Whether the problem is self-created.

Strict compliance with the requirement to have 85 feet of frontage on a public or private road approved by the township would require a special use approval, and could require replacing the long-existing private drive. The private drive extends about 850 feet west from 168th Avenue, about 500 feet of which is over land owned by Fellowship Church, with the east 300 feet running along the edge of the church’s parking lot. Its intersection with 168th Avenue is shared with the church. The church is satisfied with the set-up so has no reason to agree to any reconfiguration or improvement to the private drive that may be needed to meet private road standards. The same is true of the owner of the parcel to the south of the subject parcel. The Elzingas desire to split their parcel into just two (2) parcels, so the increased use of the private drive will be negligible, but the cost on each lot to rebuild the private drive, even if the church would agree to allow that, to assure that it meets current private road standards, would be a huge burden on each of the Elzingas’ desired two (2) parcels. It would simply not be feasible to proceed.

Granting the variance would do substantial justice to the Elzingas and their neighbors. The Elzinga parcel and its neighbors have used the existing private drive in its current condition for over 50 years without a problem. The only change desired now is that the Elzingas desire to split their parcel so that Josh and Jenine can retain the existing house and Paul can sell the remainder for retirement income. Instead of 2 residences using the driveway, there would be 3. Neither the neighbor to the south nor the church object to the Elzingas splitting their parcel or the granting of the variance, and do not see a need to upgrade the private drive.
This situation is unique. No other residences in the township have a private drive through a church or school property and would be landlocked except for that access. While the subject parcel is 10 acres, the Elzingas foresee splitting it into only 2 parcels.

Finally, the Elzingas’ problem is not self-created. The subject parcel and private drive predate the zoning ordinance. They did not do anything to create the nonconformity that now burdens their parcel.

We respectfully urge that you grant a dimensional variance from the requirement of 85 feet of frontage on a private road approved by the township to allow the Elzingas to split their parcel into two parcels served by the long-existing private drive.

Very truly yours,
Cunningham Dalman, PC

By: Randall S. Schipper
Randall S. Schipper

RSS/ljc
Enclosures
PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL #70-15-21-200-003

DATE FILED: March 31, 2020
PROPERTY ADDRESS: 340 N. 168th Avenue, Holland, MI 49424

NAME OF APPLICANT: Randall S. Schipper
PHONE NO. (616) 392-1821
EMAIL ADDRESS: schipper@cunninghamdalman.com

OWNER AS PER TAX RECORD: Paul Elzinga, Joshua and Jenine Elzinga

Application is hereby made to the Zoning Board of Appeals for a variance of the Park Township Zoning Ordinance. The variance being applied for is contrary to Section 38-499.

Describe the nature of the request:
The Elzingas desire to split the subject parcel so that Josh and Jenine can complete the land contract purchase of the existing house from Paul, and Paul can sell the remainder parcel for retirement income. The proposed split is shown on the survey attached as Exhibit A.

Paul acquired the subject property in 1966. (See the Deed on Exhibit B.) The private drive serving this parcel and the one to the south was constructed shortly thereafter so has served the existing residence on the subject property for over 50 years. The Elzingas and their neighbor have formally created a reciprocal easement for their shared driveway—a de facto easement has existed since the driveway was built over 50 years ago. (See Exhibit C.) Now, the Elzingas desire to split the subject parcel, with Josh and Jenine keeping the existing house and Paul selling the remainder parcel, which would be served by a driveway off the existing drive.

What are the practical difficulties or unnecessary hardships of complying with the Park Township Zoning Ordinance?
The subject parcel does not have 85 feet of frontage on a public or private road approved by the township so it cannot be split without a variance from the frontage requirement, even though it consists of 10 acres, and each resulting parcel will have more than 85 feet of frontage on the long-existing private drive. That private drive was established over 50 years ago, before the township had a zoning ordinance. The east side of the subject parcel has 33 feet of frontage on this private drive, as does the twin parcel to its south, but they share a driveway extending over 300 feet to the west along their common boundary, as shown on the survey on Exhibit A, a situation that also predates the zoning ordinance. With the split, each resulting parcel in the subject parcel would have over 85 feet of frontage on the private drive.

Eight (8) copies of the appeal with supportive documentation (i.e. drawings, survey, sketches of proposed plan, proposed location) to be supplied with request.
AFFIDAVIT:

I agree the statements made above are true, and if found not to be true, this application and subsequent decision may be void. Further, I agree to comply with the conditions and regulations provided with any variance that may be issued. Further, I agree the variance that may be issued is with the understanding all other applicable sections of the Park Township Zoning Ordinance, and Michigan Construction Code will be complied with. Further, I agree to notify the Park Township Building Dept. for inspections when required. Further, I agree to give permission for officials of Park Township, the County of Ottawa and the State of Michigan to enter the property subject to this permit application for purposes of inspection. Finally, I understand this is a Zoning Board of Appeals application, and any variance issued conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, deed restriction, or other property rights.

Signatures of Property Owners:

[Signatures]

Date: March 25, 2020

Signature of Applicant:

[Signature]

Randall S. Schipper, Attorney at Law
Date: March 31, 2020
SECTION CORNERS AND WITNESSES

NE Corner, Section 21, 15N, R16W
- NW corner of house foundation: AZ 138°54' 109.67'
- Center of hydrant: AZ 138°54' 51.09'
- Tagmark in SW side of power pole: N8°0' W 40.7
- Tagmark in SE side of 34' maple tree: N8°0' W 54.6

E 1/4 Corner, Section 21, 15N, R16W
- NE corner of brick school building: AZ 123°59' 122.68'
- NE corner of garage foundation: AZ 128°24' 124.91'
- CL top of hydrant: AZ 128°24' 52.47'
- Set nail in SW side of power pole: N8°0' W 39.66'

EASEMENT DESCRIPTION

SCHEDULE "X" DESCRIPTION: An easement for ingress, egress and utilities over part of the Northeast 1/4 of Section 21, Town 5 North, Range 16 West, Park Township, Ottawa County, Michigan being described as: Commencing at the East 1/4 corner of said Section 21; thence N00°0'14'37"E 743.80 feet along the East line of Section 21; thence N89°45'07"W 489.80 feet, parallel with the East-West 1/4 line of said Section; thence N00°0'7'23"E 492.33 feet to the Point of Beginning. thence N00°0'7'23"E 66.00 feet, thence N89°45'07"W 318.05 feet; thence S00°0'7'23"W 66.00 feet, thence S89°45'07"W 318.05 feet to the Point of Beginning.

This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

SURVEYOR'S CERTIFICATE:
I certify that the requirements for 1970 PA 132, MCL 54.213 have been met. The relative positional precision of the corners identified for this survey and shown on the map are within the limits accepted by the practice of professional surveying.

Scott A. Hendges
Licensed Professional Surveyor No. 495352

SCALE: 1" = 200'

By:
Scott A. Hendges
Licensed Professional Surveyor No. 495352

Paul Ebinga Trust
Attn: Paul Ebinga, Trustee
18 East 14th Street
Holland, MI 49423

340 N. 16th Avenue
Holland, MI 49423

DRAWN BY: JW
DATE: 01-30-2020
REV. BY: JW
REV. DATE: 03-20-20
PRI#: 192624G056.2
1 OF 1
WARRANTY DEED

THIS INDENTURE, Made this 6 day of December, 1966.

WITNESSETH, That Paul Elzinga and Patricia Jane Elzinga, husband and wife, as to an undivided ½ interest of 267 West 14th Street, Holland, Michigan and Charles E. Haltenhoff and Harriet J. Haltenhoff, husband and wife, as to an undivided ½ interest of 189 South Division Ave., Holland, Michigan for the sum of One ($1.00) Dollar and other valuable considerations convey and Warrant to the Holland Classis of the Reformed Church of America, a Michigan Corporation, of 281 Lincoln Avenue, Holland, Michigan

the following described lands and premises situated in the Township of Park, County of Ottawa and State of Michigan, viz:

(1) A parcel of land in the East ¼, Northeast ¼, Section 21, Town 5 North, Range 16 West, Park Township, Ottawa County, Michigan, described as commencing at the East ¼ corner of said Section 21; thence North along the East line of said Section 21; 742.8' for a point of beginning; thence West parallel with the East and West ¼ line of said Section 21, 489.6'; thence Northerly parallel with the East 1/8 line of said Section 21, 1,251.0' to the South line of the plat of Marlocoba Terrace; thence Easterly along the South line of the plat of Marlocoba Terrace 492.6' to the East line of said Section 21; thence South along the East line of said Section 21, 1,256.3' to the point of beginning, except for the following:
   a) the North 200' thereof;
   b) the East 33' thereof to be used for road purposes;
   c) The West 167' of the East 200' of the South 700' of the North 900' thereof;
   d) A parcel of land commencing 1122.1' North and 200' West of the East ¼ corner of Section 21, Town 5 North, Range 16 West; thence West parallel with the East and West quarter line of said Section 21, 23'; thence North parallel to the East section line of said Section 21, 167'; thence East parallel to the East and west quarter line of said Section 21, 23'; thence South 167' to the place of beginning.

(2) Commencing at a point on the East section line of Section 21,
Town 5 North, Range 16 West, 1099.1 feet North of the East quarter corner of said Section 21; thence West 200 feet parallel to the East and West quarter line of said Section 21; thence North 23 feet parallel to the East section line of said Section 21; thence East 200 feet to the East section line of said Section 21; thence South along the East section line of said section 21 to point of beginning, EXCEPT the East 33' thereof to be used for road purposes.

The Grantors herein reserve unto themselves, their heirs, administrators, successors and assigns; an easement for ingress and egress to the Grantors property adjacent to and West of description No. 1 herein, which easement shall have 33 feet on either side of a line more fully described as follows, to-wit:

Commencing at a point 1089.1 feet North and 33 feet West of the East quarter corner of Section 21; Town 5 North, Range 16 West; thence West parallel to the East and West quarter line of said Section 21; 180 feet to the point of curvature of a curve to the right having a radius of 97 feet; thence along the arc of said curve 73 feet; thence North 46°54' West of the East section line of said Section 21; 185.4 feet to the point of curvature of a curve to the left having a radius of 97 feet; thence along the arc of said curve 73 feet to a point commencing at the East 1/4 corner of Section 21, Town 5 North, Range 16 West; thence North along the East line of said Section 21, 742.8 feet, thence West parallel with the East and West 1/4 line of said Section 21, 489.6 feet, thence 525.5 feet North parallel with the East 1/8 line of said Section 21.

The Grantees herein covenant and agree to establish an improved road per Ottawa County specifications over and across the aforesaid easement and right of way at such time as it or its successors and assigns shall place improvements upon the parcels heretofore described in description No. 1 and No. 2 of this deed.

The Property contained in Description No. 1 heretofore set forth shall be used for church and related purposes only, including, but not by way of limitation, a sanctuary for worship, educational facilities, and parsonage unless written consent of the Grantors herein is secured for the utilization of said parcel for any other purpose.

Signed in Presence of

[Signature]

[Signature]

[Signature]

Signed on the Date first above written

[Signature]

[Signature]

[Signature]
STATE OF MICHIGAN  
COUNTY OF OTTAWA  

On this 6th day of December, 1966, before me, a Notary Public in and for said County personally appeared Paul Elzinga, Patricia Jane Elzinga, Charles E. Haltenhoff and Harriet J. Haltenhoff, to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be their free act and deed.

Notary Public  

My Commission expires: Sept. 16, 1969

This deed prepared by LOKKER, BOTER & DALMAN, Holland, Michigan
RECIPROCAL EASEMENT
FOR INGRESS AND EGRESS

This Reciprocal Easement for Ingress and Egress is made and entered into this 14th day of February, 2020, by and between Paul Elzinga, as Trustee of the Paul Elzinga Declaration of Trust dated March 25, 1999, as amended, whose address is 19 East 14th Street, Holland, Michigan 49423 and Joshua L. Elzinga and Jenine Elzinga, husband and wife, whose address is 340 North 168th Avenue, Holland, Michigan 49424 (Collectively "Elzinga") and Ronald J. Dirkse and Dorothy L. Dirkse, husband and wife, whose address 314 N. 168th Avenue, Holland, Michigan 49424 ("Dirkse").

RECITALS

A. Elzinga owns two parcels of land in the Township of Park, County of Ottawa, State of Michigan, which are legally described on Exhibit A attached hereto ("Elzinga's Remainder Parcel" and "Elzinga's Child Parcel").

B. Dirkse owns a parcel of land in the Township of Park, County of Ottawa, State of Michigan, which is legally described on Exhibit B attached hereto ("Dirkse's Parcel").

C. Elzinga wishes to provide the Dirkse Parcel, and Dirkse wishes to provide Elzinga's Remainder Parcel and Elzinga's Child Parcel, with easement rights for ingress and egress.

NOW, THEREFORE, the parties agree as follows:

1. **Grant of Easement.** For the sum of One Dollar ($1.00) each of the parties hereby grants to the other a non-exclusive, perpetual easement appurtenant ("Easement") over and across the that portion of their respective parcels, described in Exhibit C ("Easement Premises") attached hereto, for ingress and egress. This Easement shall be an extension of the Easement as reserved in Liber 557, Page 360, of the Ottawa County Records.
2. **Use of Easement.** The owners of Elzinga’s Remainder Parcel and of Elzinga’s Child Parcel, and their respective tenants, invitees, guests and customers ("Users") shall have the right to use the Easement granted by Dirkse for ingress to and egress from Elzinga’s Remainder Parcel and Elzinga’s Child Parcel, and the owners of Dirkse’s Parcel and their tenants, invitees, guests and customers ("Users") shall have the right to use the Easement granted by Elzinga for ingress to and egress from Dirkse’s Parcel.

3. **Non-exclusive.** The easement rights granted herein are not exclusive. The parties expressly reserve the right to use and to grant to others the non-exclusive right to use the Easement, provided that such use does not interfere with the easement rights granted herein.

4. **Maintenance and Repair.** Each party shall maintain the Easement Premises and all improvements within, on or under its Parcel in a safe and attractive condition. All repairs or maintenance of the Easement Premises and any improvements within, on or under a Parcel shall be performed in a careful and prudent manner, and shall be shared equally. The parties shall work together to coordinate the repair and maintenance activities so as to make repair and maintenance of the Easement Premises and all improvements thereon, as economical as possible. Each party shall be responsible for maintaining paved vehicular access across its parcel where indicated on the survey in Exhibit C.

5. **Future Cul-de-sac.** The parties agree that the westerly portion of the Easement Area may be expanded to allow for a circular cul-de-sac, if required by Park Township.

6. **Insurance and Indemnity.** The parties, their tenants, invitees and guests ("Users") shall use the Easement Premises at their sole risk and the parties shall maintain liability insurance coverage to protect against any claims arising from the use of the Easement Premises or the use, maintenance, repair or replacement of improvements within, under or on the Easement Premises or the failure of the either parties to maintain, repair or replace them and either party may, if it wishes, insure the improvements themselves. The parties shall indemnify and hold each other harmless against any and all claims, debts, causes of action or judgments for any damage to the improvements, any contents thereof, or other property and/or injury to any person which may arise out of the use of the Easement Premises or the use, maintenance, repair or replacement of any improvements within, under or on the Easement Premises or the failure to maintain, repair or replace such improvements.

7. **Run with the Land.** All provisions of this Reciprocal Easement for Ingress and Egress, including the benefits and burdens, shall run with the land and be binding on all owners and all heirs, successors, assignees, tenants and personal representatives of the owners of either Parcel, or part of either Parcel.
8. **Interpretation.** The rule of strict construction does not apply to this Reciprocal Easement for Ingress and Egress. It shall be given a reasonable and liberal construction so that the intention of the owners of the Parcels to retain a useable right of enjoyment is carried out.

9. **Amendment.** This Reciprocal Easement for Ingress and Egress may be amended, but only with the written consent of all of the owners of the property described in Exhibits A and B attached hereto.

This instrument is exempt from County Real Estate Transfer Tax pursuant to MCL 207.505(a) and from State Real Estate Transfer Tax pursuant to MCL 207.526(a).

The undersigned have executed this Reciprocal Easement for Ingress and Egress on the day and year first written above.

**ELZINGA:**

Paul Elzinga Declaration of Trust dated March 25, 1999 and amended

By

Paul Elzinga, as Trustee

Joshua L. Elzinga

Jenine Elzinga

**DIRKSE:**

Ronald J. Dirkse

Dorothy L. Dirkse
STATE OF MICHIGAN  
COUNTY OF OTTAWA  

The foregoing instrument was acknowledged before me in Ottawa County, Michigan, this 13th day of February, 2020, by Paul Elzinga, as Trustee of the Paul Elzinga Declaration of Trust dated March 25, 1999, as amended.

SARA HOKSE LOYD  
Notary Public, State of Michigan  
County of Allegan  
My Commission Expires Aug. 17, 2024  
Acting in the County of Ottawa  

Notary Public, ______ Co., MI  
Acting in the County of Ottawa  
My commission expires: 

STATE OF MICHIGAN  
COUNTY OF OTTAWA  

The foregoing instrument was acknowledged before me in Ottawa County, Michigan, this 14th day of February, 2020, by Joshua L. Elzinga and Jenine Elzinga.

EMILY M. NEWHOUSE  
Notary Public, State of Michigan  
County of Ottawa  
My Commission Expires June 27, 2025  
Acting in the County of Ottawa  

Notary Public, ______ Co., MI  
Acting in the County of ______  
My commission expires: ______  

STATE OF MICHIGAN  
COUNTY OF OTTAWA  

The foregoing instrument was acknowledged before me in Ottawa County, Michigan, this 13th day of February, 2020, by Ronald J. Dirkse and Dorothy L. Dirkse.

SARA HOKSE LOYD  
Notary Public, State of Michigan  
County of Allegan  
My Commission Expires Aug. 17, 2024  
Acting in the County of Ottawa  

Notary Public, ______ Co., MI  
Acting in the County of Ottawa  
My commission expires: 

This instrument prepared by:  
Randall S. Schipper  
Cunningham Dalman, P.C.  
321 Settlers Road, PO Box 1767  
Holland, MI 49422  
Telephone: (616) 392-1821
Exhibit A

Elzinga’s Remainder Parcel:

Part of the Northeast 1/4 of Section 21, Town 5 North, Range 16 West, Park Township, Ottawa County, Michigan, described as:
Commencing at the East 1/4 corner of said Section; thence N00°14'37"E 742.80 feet along the East line of Section 21; thence N89°27'44"W 489.60 feet, parallel with the East-West 1/4 line of said Section; thence N00°07'23"E 525.33 feet, parallel with the West line of the East 1/2 of the Northeast 1/4 of said Section to the Point of Beginning; thence N89°45'07"W 218.05 feet; thence N00°07'23"E 200.00 feet; thence N89°45'07"W 617.52 feet; thence N00°07'23"E 321.10 feet along said West line; thence N89°56'37"E 835.57 feet; thence S00°07'23"W 525.54 feet to the Point of Beginning. Contains 7.20 acres. Subject to easements, restrictions and rights-of-way of record. Subject to and together with easement for ingress, egress and utilities described in Schedule "X".

Elzinga’s Child Parcel:

Part of the Northeast 1/4 of Section 21, Town 5 North, Range 16 West, Park Township, Ottawa County, Michigan, described as:
Commencing at the East 1/4 corner of said Section; thence N00°14'37"E 742.80 feet along the East line of Section 21; thence N89°27'44"W 489.60 feet, parallel with the East-West 1/4 line of said Section; thence N00°07'23"E 525.33 feet, parallel with the West line of the East 1/2 of the Northeast 1/4 of said Section; thence N89°45'07"W 218.05 feet to the Point of Beginning; thence continuing N89°45'07"W 617.52 feet; thence N00°07'23"E 200.00 feet along said West line; thence S89°45'07"E 617.52 feet; thence S00°07'23"W 200.00 feet to the Point of Beginning. Contains 2.84 acres. Subject to easements, restrictions and rights-of-way of record. Subject to and together with easement for ingress, egress and utilities described in Schedule "X".
Exhibit B

(Dirkse's Parcel)

A parcel of land in the East 1/2 of the Northeast 1/4 of Section 21, Town 5 North, Range 16 West, described as being the South 1/2 of the following:

Commence at the East 1/4 corner of said Section 21; thence North along the East line of said Section 21, 742.8 feet; thence West parallel with the East and West 1/4 line of said Section 21, 489.6 feet for a point of beginning; thence West parallel with the East and West 1/4 line of said Section 21, 835.9 feet to the East 1/8 line of said Section 21; thence Northerly along said East 1/8 line 1242.2 feet to the South line of the Plat of Marlacoba Terrace; thence Easterly along the South line of the Plat of Marlacoba Terrace 835.9 feet; thence Southerly parallel with the said East 1/8 line of Section 21, 1251.0 feet to the point of beginning, except the North 200 feet thereof.
Exhibit C

(Easement Premises)

See attached survey (Nederveld PRJ# 19202040DSC, dated 01-30-2020) for legal description and depiction of Easement Premises.
EASEMENT DESCRIPTION

SCHEDULE "A" DESCRIPTION: An easement for ingress, egress and utilities over part of the Northeast 1/4 of Section 21, Town 5 North, Range 16 West, Park Township, Ottawa County, Michigan being described as: Commencing at the East 1/4 corner of said Section 21; thence N00°14'37"E 742.80 feet along the East line of Section 21; thence N89°27'44"W 489.60 feet, parallel with the East-West line of said Section; thence N00°05'23"E 492.33 feet to the Point of Beginning; thence N00°07'23"E 66.00 feet; thence N89°45'07"W 318.05 feet; thence S00°07'23"W 66.00 feet; thence S89°45'07"E 318.05 feet to the Point of Beginning.

This sketch was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

LEGEND

- Aspahlt
- Concrete
- Easement Boundary
- Existing Building

SCALE: 1" = 200'  1" = 100'  1" = 200'  1" = 500'  1" = 1000'

DESRIPTIONS

PARCEL "A.1" DESCRIPTION: Part of the Northeast 1/4 of Section 21, Town 5 North, Range 16 West, Park Township, Ottawa County, Michigan, described as: Commencing at the East 1/4 corner of said Section; thence N00°14'37"E 742.80 feet along the East line of Section 21; thence N89°27'44"W 489.60 feet, parallel with the East-West 1/4 line of said Section; thence N30°00'00"E 525.33 feet, parallel with the West line of the Northeast 1/4 of said Section; thence N89°45'07"W 218.05 feet to the Point of Beginning; thence continuing N89°45'07"W 617.52 feet; thence N00°07'23"E 200.00 feet along said West line; thence S89°45'07"E 617.52 feet; thence S00°07'23"W 200.00 feet to the Point of Beginning, Contains 2.84 acres. Subject to easements, restrictions and rights-of-way of record. Subject to and together with easement for ingress, egress and utilities described in Schedule "K".

REMAINDER.1 DESCRIPTION: Part of the Northeast 1/4 of Section 21, Town 5 North, Range 16 West, Park Township, Ottawa County, Michigan, described as: Commencing at the East 1/4 corner of said Section; thence N00°14'37"E 742.80 feet along the East line of Section 21; thence N89°27'44"W 489.60 feet, parallel with the East-West 1/4 line of said Section; thence N00°07'23"E 200.00 feet, parallel with the West line of the Northeast 1/4 of said Section to the Point of Beginning; thence N89°45'07"W 218.05 feet; thence N00°07'23"E 200.00 feet; thence N89°45'07"W 617.52 feet; thence S00°07'23"W 321.10 feet along said West line; thence N89°56'37"E 635.57 feet; thence S00°07'23"W 525.54 feet to the Point of Beginning, Contains 7.20 acres. Subject to easements, restrictions and rights-of-way of record. Subject to and together with easement for ingress, egress and utilities described in Schedule "K".